

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
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2023 MAY 22 P 3:14

U.S. Bank National Association, as trustee
On behalf of the holders of the Asset
Backed Securities Corporation Home
Equity Loan Trust, Series NC 2005-HE8,
Asset backed Pass-Thru Certificates,
Series NC-2005-HE8

Plaintiff(s)

v.

Eric Richmond a/k/a Eric H. Richmond
And CitiMortgage, Inc., f/k/a Citicorp
Mortgage

Defendant(s)

Civil Action No.: 2:21-cv-00208-JAW

DEFENDANT'S MOTION FOR:

- JUDICIAL NOTICE PURSUANT TO FEDERAL RULES OF EVIDENCE (FRE) RULE 201 JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND TO
- ALTER JUDGMENT OF DOCKET # 88 : ORDER ON MOTION TO DISMISS PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 59(e)

NOW COMES Defendant, Eric Richmond, hereby moving for:

1. Judicial Notice pursuant to FRE RULE 201 JUDICIAL NOTICE OF ADJUDICATIVE FACTS that in no dictionary of any language on earth, past or present, does the term certify lower itself to state, cite or list, and that acting absent proper certification always comes at a cost of something, license, fine, reprimand or freedom, and, in addition, in this case, mandatory dismissal for failure to comply with certification pursuant to MRSA §6321.
2. Alteration of judgment to comport with the failure of the Plaintiff to certify, pursuant to MRSA §6321, "must contain a certification of proof of ownership of the mortgage note".

As grounds therefore, Defendant states the following:

1. No dictionary, past or present, defines certify to encompass state, cite or list.
2. The Plaintiff has failed to certify pursuant to any dictionary definition of certify.
3. Any decision by a state court altering a dictionary definition IS LEGISLATING FROM THE BENCH and cannot be afforded with a straight face, *stare decisis*.

WHEREFORE, Defendant requests that this Court take Judicial Notice that in no dictionary of any language on earth, past or present, does the term certify lower itself to state, cite or list, and that acting absent proper certification always comes at a cost of license, fine, reprimand or freedom, and, in addition, in this case, mandatory dismissal for failure to comply with certification pursuant to MRSA §6321, and, that, if certify does not encompass state, cite or list, Plaintiff has failed to meet the threshold certification required under MRSA §6321, and for any other such relief this court deems just and proper that follows procedural due process for both Plaintiff and Defendants.

Signature : 

Date: May 19, 2023

Eric Richmond, Defendant
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